

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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BLUE MOON MEDIA GROUP, INC.

Plaintiff,

-against-

**ORDER**  
**08 CV 1000 (DRH)(AKT)**

PATRICIA FIELD

Defendants.

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**HURLEY, Senior District Judge:**

By Order dated April 21, 2010, the Court adopted the Report and Recommendation of Magistrate Judge Tomlinson, thereby dismissing plaintiff's claims pursuant to Rule 41(b), Fed. R. Civ. P., for failure to prosecute, and entering a default judgment against plaintiff on defendant's counterclaims. (Docket No. 54.) The matter was thereafter referred back to Judge Tomlinson, pursuant to 28 U.S.C. § 636, for a Report and Recommendation as to the appropriate amount of damages, attorneys' fees and costs to be awarded to defendant. On April 11, 2011, Judge Tomlinson issued a Report and Recommendation recommending that (1) damages be awarded to defendant in the amount of \$168,806.20, (2) attorney's fees be awarded to defendant in the amount of \$81,469, and (3) plaintiff be permanently enjoined from using, reproducing or displaying plaintiff's photographs in any form or otherwise infringing any or all of those photographs. (Docket No. 63.)

On April 12, 2011, plaintiff filed proof of service of a copy of the Report and Recommendation upon the defendants. More than fourteen (14) days have elapsed since service of the Report and Recommendation, and neither party has filed any objection.

Pursuant to 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72, this Court has reviewed the Report and Recommendation for clear error, and finding none, now concurs in both its reasoning and its result. Accordingly, this Court adopts the April 11, 2011 Report and Recommendation of Judge Tomlinson as if set forth herein. The Court therefore directs that judgment be entered as follows: defendant Patricia Field recovers from plaintiff Blue Moon Media Group, Inc. the amount of \$250,275.20. Blue Moon Media Group, Inc. is hereby enjoined from using, reproducing or displaying Patricia Field's photographs in any form or otherwise infringing any or all of those photographs.

SO ORDERED.

Dated: Central Islip, N.Y.  
September 12, 2011

\_\_\_\_\_/s\_\_\_\_\_  
Denis R. Hurley  
United States District Judge